

OCT 20 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

UNITED STATES OF AMERICA	)	Case No. 3:97-cr-70099-1
	)	
v.	)	2255 DISMISSAL ORDER
	)	
ORION ROSS HARDEN,	)	By: Hon. James C. Turk
Petitioner.	)	Senior United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that petitioner's motion to dismiss for lack of jurisdiction (docket #88), which the court construes and the Clerk shall **FILE AS** a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice as a successive § 2255 motion and the case is **STRICKEN** from the active docket.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and counsel of record for the United States.

ENTER: This 30<sup>th</sup> day of October, 2009.

*[Signature]*  
\_\_\_\_\_  
Senior United States District Judge